

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



TIMOTHY ECKERT,

Plaintiff,

v.

24-CV-1203 (JLS) (MJR)

MICHAEL PAUL, WILLIAM NELSON,
AUGUSTUS BATCHO, CHAD
LASHER, CORY LASHER, CARMELO
ARROYO, LOUIS MALONE, JOHN
DOE 1-4,

Defendants.

DECISION AND ORDER

Plaintiff Timothy Eckert commenced an action in Supreme Court, Niagara County, on October 25, 2024 asserting claims against Defendants arising out of his employment at General Motors in Lockport, New York. *See* Dkt. 1-1. Defendants removed the action to this Court on December 6, 2024. Dkt. 1. The case has been referred to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 4.

Plaintiff filed the following motions:

- A Motion for a Temporary Restraining Order (Dkt. 9);¹
- A Motion for Expedited Hearing (Dkt. 10);
- A Motion for Reconsideration (Dkt. 12);

¹ On December 16, 2024, Judge Roemer denied Plaintiff's [9] motion and converted it to a motion for a preliminary injunction. Dkt. 16.

- A Motion Alleging Fraud upon the Court by Defendants' Counsel (Dkt. 13);
- A Motion to Challenge Defendants' Removal as Procedurally Improper and Abusive (Dkt. 14);
- A Motion for Sanctions (Dkt. 15);
- A Motion for Temporary Restraining Order (Dkt. 18);
- A Motion to Introduce Omitted State Court Documents into the Record (Dkt. 24); and
- A Motion for Clarification or Reconsideration (Dkt. 30).

Defendants opposed Plaintiffs' motions, Dkt. 22-23, and Plaintiff replied. Dkt. 26-28. On January 7, 2025, Judge Roemer issued a Report and Recommendation ("R&R") addressing Plaintiff's motions. Dkt. 31. He recommends that "each of Plaintiff's motions be denied." *Id.* at 1.

Plaintiff objected to the R&R. *See* Dkt. 32, 38, 39, 40. Specifically, he objects to the R&R's recommendations to deny Plaintiff's requests:

- For Injunctive Relief;
- For Reconsideration and Request for Entry of Default Against Defendant Arroyo;
- To Find that Defendants Committed Fraud Upon the Court; and
- To Introduce Omitted State Court Documents.

See id. Defendants opposed the objections, Dkt. 44, and Plaintiff replied. Dkt. 45.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court

must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court has carefully reviewed the R&R, the objections, and the relevant record. Based on its *de novo* review, the Court accepts and adopts Judge Roemer's recommendations.

As such, Plaintiff's motions at Dkt. 9, 10, 12, 13, 14, 15, 18, 24, and 30 are DENIED. The case is referred back to Judge Roemer in accordance with the December 10, 2024 referral order. *See* Dkt. 4.

SO ORDERED.

Dated: February 13, 2025
Buffalo, New York

A handwritten signature in black ink that reads "John L. Sinatra, Jr." The signature is written in a cursive, flowing style.

JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE